

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date appearing below.  
**ELI LILLY AND COMPANY**

*Linda M. Bunkin*

Date April 19, 1999



**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Charles A. Bunnell, et al. )  
 )  
 Serial No. : 09/163,769 )  
 )  
 Filed : September 30, 1998 )  
 )  
 For : 2-METHYL-THIENO-BENZODIAZEPINE )  
 FORMULATION )  
 )  
 Docket No. : X-12542 )

Group Art Unit:  
 1623

**RECEIVED**

**AUG 26 1999**

**TECH CENTER 1600/2900**

**TRANSMITTAL OF DECLARATION UNDER 37 C.F.R. 1.51 (a)(1)(ii)**  
**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Assistant Commissioner for Patents  
 Box Missing Parts  
 Washington, D. C. 20231

Sir:

This is in response to a "Notice to File Missing Parts of Application" dated October 19, 1998, noting the absence of a declaration from the papers filed with the above-identified application.

Enclosed herewith are: 1) a copy of the Notice and 2) a Declaration under 37 C.F.R. 1.51(a)(1)(ii) by the Applicants in this application.

Please charge Deposit Account No. 05-0840 in the amount of \$130 for the surcharge required by \$1.16(e). The Assistant Commissioner is hereby authorized to charge any additional fees which may be required by this Response, or

Serial No. 09/163,769

-2-

credit any overpayment, to Deposit Account No. 05-0840. An original and two copies of this paper are enclosed.

Respectfully submitted,

*Arleen Palmberg*  
Arleen Palmberg  
Attorney for Applicants  
Registration No. 40,422  
Phone: 317-276-6015

Eli Lilly and Company  
Patent Division/AP/DC 1104  
Lilly Corporate Center  
Indianapolis, Indiana 46285

*April 14, 1999*

Please type a plus sign (+) inside this box →

Approved for use through 09/30/00. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
To a collection of information unless it is a valid OMB control number.



# FEE TRANSMITTAL

Note: Effective November 10, 1998, are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$1,360.00)

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number: **05-0840**  
Deposit Account Name: **Eli Lilly and Company**
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 ☐ Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance
2. ☐ Payment Enclosed: ☐ Check ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	760	201	380	Utility filing fee	
106	310	206	155	Design filing fee	
107	480	207	240	Plant filing fee	
108	760	208	380	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1)					(\$)

### 2. CLAIMS

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	78	202	39	Independent claims in excess of 3	
104	260	204	130	Multiple dependent claims	
109	78	209	39	Reissue independent claims over original patent	
110	18	210	9	Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

## Complete if Known

Application Number	09/163,769
Filing Date	September 30, 1998
First Named Inventor	Charles Arthur Bunnell, et al.
Group Art Unit	1623
Examiner Name	
Attorney Docket Number	X-12542

## FEE CALCULATION (continued)

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge-late filing fee or oath	
127	50	227	25	Surcharge-late provisional filing fee or oath sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	380	216	190	Extension for reply within second month	
117	870	217	435	Extension for reply within third month	
118	1,360	218	680	Extension for reply within fourth month	1,360
128	1,850	228	925	Extension for reply within fifth month	
119	300	219	150	Notice of Appeal	
120	300	220	150	Filing a brief in support of an appeal	
121	260	221	130	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive-unavoidable	
141	1,210	241	605	Petition to revive-unintentional	
142	1,210	242	605	Utility issue fee (or reissue)	
143	430	243	215	Design Issue Fee	
144	580	244	290	Plant Issue Fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stat.	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	760	246	380	Filing a submission after final rejection (37 CFR 1.125(a))	
149	760	249	380	For each additional invention to be examined (37 CFR 1.125(b))	
Other fee (specify)					
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$1,360.00)

## SUBMITTED BY

Typed Name: **Arleen Falmberg**  
Signature: *Arleen Falmberg*

## Complete (if applicable)

Reg. Number: **40,422**  
Date: **19 April 1999**

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By: *Hinda M. Durbin*

Date: **April 19, 1999**

ELI LILLY AND COMPANY



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